

Air passenger rights

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The Council took note of progress achieved regarding a proposed update of the EU rules on air passenger rights on the basis of a progress report prepared by the Presidency.

Solid progress has been made on the dossier since the policy debate held by the Council in October 2013. In particular, i) provisions giving rise to the application of air passenger rights in other transport modes have been deleted; ii) those on tarmac delay have been fine-tuned; iii) the monetary limit on accommodation in the event of major travel disruption has been deleted; and iv) the rules on informing passengers of their rights have been considerably improved.

Rules allowing airlines to claim exemptions from the requirement to pay compensation: delegations generally agree that technical defects should not be used by airlines as a pretext for refusing to pay compensation. Efforts have therefore been made to define under what conditions airlines may invoke technical defects to seek exemption from paying compensation.

Complaints and dispute resolution: a compromise has been reached on a simple procedure for passengers to submit complaints to airlines and, subsequently, to out-of-court dispute resolution bodies.

The major outstanding questions include the following:

- thresholds for compensation: the modified distance bands and temporal thresholds proposed by the Presidency giving rise to compensation in cases of cancellation and delay - the proposed 5-9-12 time thresholds- do not meet the satisfaction of a number of delegations which have diverging positions on this key issue.
- compensation for missed connecting flights: the Presidency compromise provides a partial exemption to airlines from paying compensation, if the connecting time was relatively short (90 minutes in the current text), and the passenger who purchased the connecting ticket was aware that a short delay of the feeder flight could result in missing the connection. If, however, the originally planned transfer time was more than 90 minutes, the passenger shall receive compensation if his connecting flight is missed due to a delay of the feeder flight. This compromise proposal cannot be accepted by a number of delegations that propose the deletion of compensation for connecting flights, and consider that such amounts should be paid on the basis of each individual leg of the flight, and the corresponding delay suffered.
- extraordinary circumstances: discussions should continue on the status of any list that is, exhaustive or non-exhaustive, binding or non-binding - establishing exemptions from the obligation of compensation payment.
- hand baggage: the only major outstanding issue relates to cabin baggage. It still needs to be decided whether clear provisions are needed on the so-called 'one bag rule', including purchases made at the airport which would enable all passengers at Union airports to take items on board under the same conditions, or whether this should be regarded as part of the air carrier's commercial freedom.